

Senate File 360 - Reprinted

SENATE FILE 360
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 183)

(As Amended and Passed by the Senate March 28, 2017)

A BILL FOR

1 An Act relating to the newborn safe haven Act.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 233.1, subsection 2, Code 2017, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *0a.* "*First responder*" means an emergency
4 medical care provider, a registered nurse staffing an
5 authorized service program under section 147A.12, a physician
6 assistant staffing an authorized service program under section
7 147A.13, a fire fighter, or a peace officer as defined in
8 section 801.4.

9 Sec. 2. Section 233.1, subsection 2, paragraph b, Code 2017,
10 is amended to read as follows:

11 *b.* "*Newborn infant*" means a child who is, or who appears to
12 be, ~~fourteen~~ thirty days of age or younger.

13 Sec. 3. Section 233.2, subsections 1, 2, 3, and 6, Code
14 2017, are amended to read as follows:

15 1. *a.* A parent of a newborn infant may voluntarily release
16 custody of the newborn infant by relinquishing physical custody
17 of the newborn infant, without expressing an intent to again
18 assume physical custody, at an institutional health facility or
19 by authorizing another person to relinquish physical custody
20 on the parent's behalf. If physical custody of the newborn
21 infant is not relinquished directly to an individual on duty
22 at the institutional health facility, the parent may take
23 other actions to be reasonably sure that an individual on
24 duty is aware that the newborn infant has been left at the
25 institutional health facility. The actions may include but are
26 not limited to making telephone contact with the institutional
27 health facility or a 911 service.

28 *b.* In lieu of the procedure described in paragraph "a",
29 a parent of a newborn infant may make telephone contact with
30 a 911 service and relinquish physical custody of the newborn
31 infant, without expressing an intent to again assume physical
32 custody, to a first responder who responds to the 911 telephone
33 call.

34 *c.* For the purposes of **this chapter** and for any judicial
35 proceedings associated with the newborn infant, a rebuttable

1 presumption arises that the person who relinquishes physical
 2 custody at an institutional health facility or to a first
 3 responder in accordance with this section is the newborn
 4 infant's parent or has relinquished physical custody with the
 5 parent's authorization.

6 2. *a.* Unless the parent or other person relinquishing
 7 physical custody of a newborn infant clearly expresses an
 8 intent to return to again assume physical custody of the
 9 newborn infant, an individual on duty at the facility at which
 10 physical custody of the newborn infant was relinquished, or
 11 a first responder to whom physical custody of the newborn
 12 infant was relinquished, pursuant to subsection 1 shall take
 13 physical custody of the newborn infant. The individual on
 14 duty or first responder may request the parent or other person
 15 to provide the name of the parent or parents and information
 16 on the medical history of the newborn infant and the newborn
 17 infant's parent or parents. However, the parent or other
 18 person is not required to provide the names or medical history
 19 information to comply with this section. The individual on
 20 duty or first responder may perform reasonable acts necessary
 21 to protect the physical health or safety of the newborn infant.
 22 The individual on duty and the institutional health facility
 23 in which the individual was on duty and the first responder
 24 are immune from criminal or civil liability for any acts or
 25 omissions made in good faith to comply with this section.

26 *b.* If the physical custody of a newborn infant is
 27 relinquished to a first responder, the first responder shall
 28 transport the newborn infant to the nearest institutional
 29 health facility. The first responder shall provide any
 30 parental identification or medical history information to the
 31 institutional health facility.

32 ~~*b.*~~ *c.* If the physical custody of the newborn infant is
 33 relinquished at an institutional health facility, the state
 34 shall reimburse the institutional health facility for the
 35 institutional health facility's actual expenses in providing

1 care to the newborn infant and in performing acts necessary to
 2 protect the physical health or safety of the newborn infant.
 3 The reimbursement shall be paid from moneys appropriated for
 4 this purpose to the department of human services.

5 ~~c.~~ d. If the name of the parent is unknown to the
 6 institutional health facility, the individual on duty or other
 7 person designated by the institutional health facility at which
 8 physical custody of the newborn infant was relinquished shall
 9 submit the certificate of birth report as required pursuant
 10 to [section 144.14](#). If the name of the parent is disclosed
 11 to the institutional health facility, the facility shall
 12 submit the certificate of birth report as required pursuant to
 13 section 144.13. The department of public health shall not file
 14 the certificate of birth with the county of birth and shall
 15 otherwise maintain the confidentiality of the birth certificate
 16 in accordance with [section 144.43](#).

17 3. As soon as possible after the individual on duty or
 18 first responder assumes physical custody of a newborn infant
 19 released under [subsection 1](#), the individual shall notify the
 20 department of human services and the department shall take the
 21 actions necessary to assume the care, control, and custody of
 22 the newborn infant. The department shall immediately notify
 23 the juvenile court and the county attorney of the department's
 24 action and the circumstances surrounding the action and
 25 request an ex parte order from the juvenile court ordering,
 26 in accordance with the requirements of [section 232.78](#), the
 27 department to take custody of the newborn infant. Upon
 28 receiving the order, the department shall take custody of the
 29 newborn infant. Within twenty-four hours of taking custody of
 30 the newborn infant, the department shall notify the juvenile
 31 court and the county attorney in writing of the department's
 32 action and the circumstances surrounding the action.

33 6. An individual on duty at an institutional health facility
 34 or first responder who assumes custody of a newborn infant upon
 35 the release of the newborn infant under [subsection 1](#) shall be

1 provided notice of any hearing held concerning the newborn
2 infant at the same time notice is provided to other parties to
3 the hearing and the individual may provide testimony at the
4 hearing.

5 Sec. 4. Section 233.5, subsection 1, Code 2017, is amended
6 to read as follows:

7 1. a. In addition to any other privacy protection
8 established in law, a record that is developed, acquired, or
9 held in connection with an individual's good faith effort
10 to voluntarily release a newborn infant in accordance with
11 this chapter and any identifying information concerning the
12 individual shall be kept confidential. Such record shall not
13 be inspected or the contents disclosed except as provided in
14 this section.

15 b. Any transcripts or recording of a 911 service telephone
16 call that is made for the purpose of an individual's good faith
17 effort to voluntarily release custody of a newborn infant in
18 accordance with this chapter and any identifying information
19 concerning the individual shall be kept confidential. Such
20 transcripts or recording of a 911 service telephone call shall
21 not be inspected or the contents disclosed except as provided
22 in this section.